

### C.C.R.B CASE CLOSING FORM

Investigator assigned: Menzin		Team: 5	CCRB#: 9801295	<input checked="" type="checkbox"/> Force <input checked="" type="checkbox"/> Discourtesy <input checked="" type="checkbox"/> Abuse <input checked="" type="checkbox"/> O.L. <input type="checkbox"/> Injury
Date of incident: 3/10/98	Time of incident: 2:15 AM	Location of incident: Church Street and Utica Avenue	Pct. of occurrence: 067	Date S.O.L. Expires: 9/10/98
Date reported: 3/18/98	Time reported: 12:16 AM	To whom/where/how reported: Complainant reported complaint by phone to CCRB		
Complainant: § 87(2)(b)		Home address: § 87(2)(b)		
Victim(s): § 87(2)(b)		Home address: § 87(2)(b)		
Witness(es): unknown		Home address: unknown		
Subject officer(s) (include rank): PO Robert O'Hare Unidentified		Shield: 27160 unknown	Tax: 916960 unknown	Command: 067 unknown
Witness officer(s) (include rank): PO Robert Brennan		Shield: 31610	Tax: 915345	Command: 067
Allegation(s) by letter: A) PO O'Hare used excessive force when he pushed § 87(2)(b) in violation of PG 104-01 B) PO O'Hare used discourteous language when he stated, "Oh is that a Movado watch? Look at the jewelry you have. Is your boyfriend a drugdealer? Your friend looks like a drug dealer. Do you guys sell drugs? In violation of PG 104-01 C) Unidentified officers abused their authority when they broke § 87(2)(b) glove compartment in violation of 104-01				Recommendation(s): § 87(2)(g) § 87(2)(g) § 87(2)(g)

#### Summary of Complaint

§ 87(2)(b) stated that on March 10, 1998, she was on the corner of Church and Utica Avenue in Brooklyn at 2:15 AM. As she was pulling into a parking space, two police officers in a marked police car instructed her to pull over. PO O'Hare approached § 87(2)(b) and asked her if she was able to see out of the back of her car as she had a convertible with plastic covering her back windshield. § 87(2)(b) replied that she was able to see. PO O'Hare asked § 87(2)(b) to see her license, registration and insurance. § 87(2)(b) was not able to show the requested documents because she had not driven the car in a long time and her plates were expired. § 87(2)(b), who used to be a resident of New York, now lives in Florida and explained that she had not been able to renew her

registration. PO O'Hare took § 87(2)(b) temporary license plate and walked over to the police car, which was behind her car. After several minutes, PO O'Hare returned and informed § 87(2)(b) that she was being arrested for possession of a fraudulent document. PO O'Hare stated that the car may be stolen and that § 87(2)(b) friend looked like a drug dealer and asked § 87(2)(b) if she and her boyfriend sell drugs? § 87(2)(b) was arguing a little, asking why it was necessary that she be arrested and saying that the car was not stolen. § 87(2)(b) stepped out of her car and PO O'Hare handcuffed her and told her that she was going to be taken to the 67<sup>th</sup> precinct. § 87(2)(b) asked PO O'Hare if her friend could drive her car to the 67<sup>th</sup> precinct and take her jewelry because § 87(2)(b) was worried about taking it to the precinct. PO O'Hare stated that because there was a possibility that her car was stolen, his partner would have to take it and that her jewelry needed to be vouchered. PO O'Hare then pushed § 87(2)(b) on her right shoulder towards the police car. § 87(2)(b) told PO O'Hare, "Officer, you don't have to push me. I comprehend and speak English fluently, and if you want me move, just tell me." § 87(2)(b) then informed PO O'Hare that her handcuffs were too tight as she had recently had surgery on her wrists. PO O'Hare responded that the handcuffs were not too tight. PO O'Hare then took hold of the chain separating § 87(2)(b)'s handcuffs and pushed her towards his car. § 87(2)(b) friend then asked PO O'Hare why he was being so brutal with § 87(2)(b) since she had just told him that she had injuries on her wrists from surgery. § 87(2)(b) friend became very angry. O'Hare then responded he was not pushing § 87(2)(b) and was going to take her to the precinct. As § 87(2)(b) was going to get into the police car, PO O'Hare pushed § 87(2)(b) on her back into the police car.

§ 87(2)(b) friend then walked away from the scene. PO O'Hare drove § 87(2)(b) to the 67<sup>th</sup> precinct and PO Brennan; PO O'Hare's partner drove § 87(2)(b) car to the precinct. When they arrived at the precinct, PO O'Hare was grabbed § 87(2)(b) arm and led her into the precinct. § 87(2)(b) was upset and did not feel as though there was any reason for PO O'Hare to touch her. Inside the precinct, as PO O'Hare was vouchering § 87(2)(b) jewelry, he exclaimed, "Oh, is that a Movado watch? Look at the jewelry you have. Is your boyfriend a drug dealer? Do you guys sell drugs?" § 87(2)(b) was upset, because she felt that PO O'Hare was inferring she was a drug dealer because she was African American and driving a BMW and wearing expensive jewelry.

§ 87(2)(b) stated that when she went to pick up her car at the autopound, her glove compartment was broken and old parking tickets, car papers and a bottle of air freshener were missing from her car. § 87(2)(b) stated that as far as she could remember, before the car was impounded, these items had been inside of her car and the glove compartment was not broken. § 87(2)(b)'s allegation of property taken was referred to Detective Delvalle at IAB and received log # 9805883. § 87(2)(b) was arrested for § 87(2)(b)

#### Results of Investigation

§ 87(2)(b) friend was not interviewed since he moved back to Haiti shortly after the incident. According to PO O'Hare, he and his partner PO Brennan were assigned to Heightened Auto and were patrolling when he noticed § 87(2)(b) car had a temporary license plate on it. PO O'Hare approached § 87(2)(b) and asked her for her license, registration and proof of insurance. § 87(2)(b) told PO O'Hare that she had just purchased her car in New Jersey and didn't have her license on her. PO O'Hare performed a license check on his computer which revealed that § 87(2)(b) had a Florida license and that her car had been registered in New Jersey. § 87(2)(b) had no proof of insurance. PO O'Hare believed that § 87(2)(b) license was a copy of a New Jersey temporary license. According to PO O'Hare, § 87(2)(b) was calm, as PO O'Hare asked her for her documents. PO O'Hare asked § 87(2)(b) to step out of her vehicle and put her hands behind her back. PO O'Hare told § 87(2)(b) why she was being arrested. According to PO O'Hare, § 87(2)(b) got out of the car on her own and walked to the back of her car where she was handcuffed by PO O'Hare. § 87(2)(b) was calm. However, her friend became upset and began saying that it was unfair that § 87(2)(b) was being arrested and the only reason she was is because she is black and PO O'Hare is white. According to PO O'Hare, § 87(2)(b) friend cursed at PO O'Hare, although PO O'Hare did not recall exactly what he said. After § 87(2)(b) was handcuffed, PO O'Hare escorted § 87(2)(b), holding onto her arm near the handcuffs as they walked to the police car. § 87(2)(b)

§ 87(2)(b) got into the vehicle on her own. Once at the precinct, § 87(2)(b) got out of the car on her own and walked into the precinct. PO O'Hare stated that he did not ask § 87(2)(b) if her boyfriend was a drug dealer and did not comment on her jewelry as he vouchered it. PO O'Hare stated that he conducted an inventory search of § 87(2)(b)'s car. PO O'Hare stated that there was nothing in § 87(2)(b) car that needed to be vouchered for safekeeping. PO O'Hare stated that § 87(2)(b) glove compartment was fine and not broken. PO O'Hare did not recall that anything was broken in § 87(2)(b) car.

PO Brennan's account of the incident was similar to PO O'Hare's, PO Brennan did not recall what made him or his partner notice § 87(2)(b) car. After PO O'Hare approached § 87(2)(b), a license check was performed. § 87(2)(b) could not produce a valid license or documents pertaining to her car. According to PO Brennan, § 87(2)(b) was not upset about being arrested and was very compliant. § 87(2)(b) friend was very upset that she was being arrested. He began yelling and cursing. According to PO Brennan, § 87(2)(b) got out of her car on her own and walked to the patrol on her own. PO Brennan stated that PO O'Hare did not push § 87(2)(b) and had no need to, as she got into the patrol car on her own. Once at the precinct, § 87(2)(b) walked in on her own. PO Brennan does not believe that PO O'Hare touched § 87(2)(b). PO Brennan was not present while § 87(2)(b)'s jewelry was vouchered. PO Brennan too, stated that PO O'Hare conducted the inventory search of § 87(2)(b)'s car. As far as PO Brennan knew, no property was vouchered. PO Brennan stated that neither he nor his partner took objects from § 87(2)(b)'s car, nor broke her glove compartment.

#### Conclusions and Recommendations

#### **PO O'Hare used excessive force when he pushed Ms. Lorquet in violation of PG 104-01. Allegation A.**

From both § 87(2)(b) and the officers' accounts, the incident between § 87(2)(b) and PO O'Hare was peaceful and § 87(2)(b) was very compliant. § 87(2)(b) although upset, did not resist. § 87(2)(b) was clearly upset with having PO O'Hare touch her at all. § 87(2)(b) stated that she felt that there was no reason for PO O'Hare to touch her. PO O'Hare stated that the extent of his physical contact with § 87(2)(b) was escorting her, meaning he held onto her arm as he walked with her. § 87(2)(g)

§ 87(2)(b) states that when they arrived at the precinct, PO O'Hare took her arm and led her into the precinct. § 87(2)(g)

PO O'Hare noted in the command log that Ms. Lorquet had stated that she had recently had surgery. § 87(2)(g)

#### **PO O'Hare used discourteous language when he stated, "Oh, is that a Movado watch? Look at the jewelry you have. Is your boyfriend a drug dealer? Your friend looks like a drug dealer? Do you guys sell drugs in violation of PG 104-01. Allegation B.**

§ 87(2)(g) There were no witnesses while § 87(2)(b)'s jewelry was being vouchered. § 87(2)(g)

**Unidentified officers broke Ms. Lorquet's glove compartment in violation of PG 104-01. Allegation C.**

§ 87(2)(b) stated during the interview that she did not believe that her glove compartment had been broken before she got it back from the autopound. However, the property voucher filled out by PO O'Hare on March 10, 1998, indicates that § 87(2)(b)'s glove compartment was already broken before her car went to the autopound. The voucher also indicates that § 87(2)(b) left front bumper was damaged and the car was in poor shape both inside and on its exterior. § 87(2)(g)

[REDACTED]

Investigator:	<u>G. M.</u>	Date:	<u>12/15/98</u>
Supervisor:	<u>Hildred Varela</u>	Date:	<u>12.15.98</u>
Reviewed by:	<u>Bob Amerson</u>	Date:	<u>Dec 15, 1998</u>
Reviewed by:	_____	Date:	_____